

No.

8400039



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

W. W. Johnson and Son Limited

Whereas, THERE HAS BEEN PRESENTED TO THE
Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED NOVEL VARIETY OF SEXUALLY REPRODUCED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF *eighteen* YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, IMPORTING IT, OR EXPORTING IT, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. THE UNITED STATES SEED OF THIS VARIETY (1) SHALL BE SOLD BY VARIETY NAME ONLY AS OF CERTIFIED SEED AND (2) SHALL CONFORM TO THE NUMBER OF GENERATIONS BY THE OWNER OF THE RIGHTS. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

CREeping RED FESCUE

'Jupiter'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington this 31st day of August in the year of our Lord one thousand nine hundred and eighty-four.

Attest

Kenneth A. W.
Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

John R. Block
Secretary of Agriculture

1083



U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
LIVESTOCK, MEAT, GRAIN & SEED DIVISION

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

(Instructions on reverse)

FORM APPROVED: OMB NO. 0581-0055

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S) W.W. Johnson and Son Limited		2. TEMPORARY DESIGNATION J.87		3. VARIETY NAME Jupiter	
4. ADDRESS (Street and No. or R.F.D. No., City, State, and Zip Code) London Road, Boston, Lincolnshire, England PE21 8AD		5. PHONE (Include area code) 0205 65051		FOR OFFICIAL USE ONLY PVPO NUMBER 8400039	
6. GENUS AND SPECIES NAME Festuca rubra ssp. Litoralis		7. FAMILY NAME (Botanical) Gramineae		FILING DATE 1/12/84 TIME 2:30 <input type="checkbox"/> A.M. <input checked="" type="checkbox"/> P.M.	
8. KIND NAME Creeping Red Fescue		9. DATE OF DETERMINATION January 1979		FEES RECEIVED AMOUNT FOR FILING \$ 1,000 DATE 1/12/84 AMOUNT FOR CERTIFICATE \$ 500.00 DATE 8/6/84	
10. IF THE APPLICANT NAMED IS NOT A "PERSON," GIVE FORM OF ORGANIZATION (Corporation, partnership, association, etc.) Private Limited Company					
11. IF INCORPORATED, GIVE STATE OF INCORPORATION				12. DATE OF INCORPORATION	

13. NAME AND ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS

Michael A. Johnson

14. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED

- a. ☒ Exhibit A, Origin and Breeding History of the Variety (See Section 52 of the Plant Variety Protection Act.)
- b. ☒ Exhibit B, Novelty Statement
- c. ☒ Exhibit C, Objective Description of the Variety (Request form from Plant Variety Protection Office.)
- d. ☒ Exhibit D, Additional Description of the Variety

15. DOES THE APPLICANT(S) SPECIFY THAT SEED OF THIS VARIETY BE SOLD BY VARIETY NAME ONLY AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act.) ☒ Yes (If "Yes," answer items 16 and 17 below) ☐ No

16. DOES THE APPLICANT(S) SPECIFY THAT THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? ☒ Yes ☐ No

17. IF "YES" TO ITEM 16, WHICH CLASSES OF PRODUCTION BEYOND BREEDER SEED? ☒ Foundation ☒ Registered ☒ Certified

18. DID THE APPLICANT(S) FILE FOR PROTECTION OF THE VARIETY IN THE U.S.?

☒ Yes (If "Yes," give date)
U.K. 27 Oct. 80
☐ No

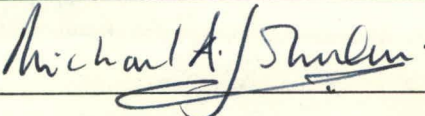
19. HAS THE VARIETY BEEN OFFERED FOR SALE OR MARKETING IN THE U.S. OR OTHER COUNTRIES?

☐ Yes (If "Yes," give names of countries and dates)
☒ No

20. The applicant(s) declare(s) that a viable sample of basic seeds of this variety will be furnished with the application and will be replenished upon request in accordance with such regulations as may be applicable.

The undersigned applicant(s) is (are) the owner(s) of this sexually reproduced novel plant variety, and believe(s) that the variety is distinct, uniform, and stable as required in Section 41, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.

Applicant(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.

SIGNATURE OF APPLICANT 	DATE 5TH JANUARY 1984
SIGNATURE OF APPLICANT	DATE

INSTRUCTIONS

General: Send an original copy of the application and exhibits, at least 2,500 viable seeds, and \$1,000 fee (*\$500 filing fee and \$500 examination fee*) to U.S. Department of Agriculture, Agricultural Marketing Service, Livestock, Meat, Grain and Seed Division, Plant Variety Protection Office, National Agricultural Library Building, Beltsville, Maryland 20705. (*See section 180.175 of the Regulations and Rules of Practice.*) Retain one copy for your files. All items on the face of the form are self-explanatory unless noted below.

Item

- 9 Give the date the applicant determined that he had a new variety based on (1) the definition in section 41(a) of the Act and (2) the date a decision was made to increase the seed.
- 14a Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method; (2) the details of subsequent stages of selection and multiplication; (3) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified and (4) evidence of uniformity and stability.
- 14b Give a summary statement of the variety's novelty. Clearly state how this novel variety may be distinguished from all other varieties in the same crop. If the new variety most closely resembles one or a group of related varieties: (1) identify these varieties and state all differences objectively; (2) attach statistical data for characters expressed numerically and demonstrate that these are clear differences; and (3) submit, if helpful, seed and plant specimens or photographs of seed and plant comparisons clearly indicating novelty.
- 14c Fill in the Exhibit C, Objective Description form, for all characteristics for which you have adequate data.
- 14d Describe any additional characteristics that are not described, or whose description cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the description of characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 15 If "Yes" is specified (*seed of this variety be sold by variety name only as a class of certified seed*) the applicant may NOT reverse his affirmative decision after the variety has either been sold and so labeled, his decision published, or the certificate has been issued. However, if the applicant specified "No," he may change his choice. (*See section 180.16 of the Regulations and Rules of Practice.*)
- 16 See section 42 of the Plant Variety Protection Act and section 180.7 of the Regulations and Rules of Practice.



W W JOHNSON & SON LIMITED
Seed Growers & Merchants
Boston Lincolnshire PE21 8AD
Telephone 0205 65051 Telex 37537

ORIGIN AND BREEDING HISTORY OF JUPITER

Jupiter is a Creeping Red Fescue in the hexaploid group. The source material was an ecotype selected from a wild turf area in the southern half of England. The ecotype was divided and selected to give twenty phenotypically uniform mother plants.

Seed of Jupiter has been multiplied in England and has been tested locally in lawn trials. Data from these trials and from government distinctness trials indicate that this variety has a superior appearance in turf to any other Creeping Red Fescue commercially available in the UK and that it is morphologically distinct.

Parental clones have been retained by the applicants to insure that Jupiter will remain uniform and stable for future commercial production.

W W JOHNSON & SON LIMITED
2500 Broadway & Riverside
Boston, Massachusetts 02211
Telephone 617 552 5555 Telex 95555

Johnson

JUL 6 1984



W W JOHNSON & SON LIMITED
Seed Growers & Merchants
Boston Lincolnshire PE21 8AD
Telephone 0205 65051 Telex 37537

NOVELTY STATEMENT FOR JUPITER

Jupiter is most similar to Dawson; however,
Jupiter is 7-8 days later in head emergence
than Dawson. Under mown sward conditions
Jupiter exhibits superior colour to Dawson for
the majority of the year.

DIRECTORS: R. A. JOHNSON M.A. (CHAIRMAN) R. W. JOHNSON (MANAGING) M. A. JOHNSON B.Sc. R. M. JOHNSON
DIVISIONAL DIRECTORS: R. BENGE (RETAIL) M. A. GOODLIFFE (PRODUCTION) H. R. J. SHARPE (ADMINISTRATION AND COMPANY SECRETARY) D. S. WHELBOURN (WHOLESALE)
Registered in England No. 1491251 Registered Office: London Road, Boston, Lincolnshire.



W W JOHNSON & SON LIMITED
Seed Growers & Merchants
Boston Lincolnshire PE21 8AD
Telephone 0205 65051 Telex 37537
29 June 1984

Mr. J.J. Higgins
Examiner
U.S. Department of Agriculture
Agricultural Marketing Service
Livestock, Meat, Grain and Seed Division
Plant Variety Protection Office
National Agricultural Library Building
Beltsville
Maryland 20705
U.S.A.

Dear Mr. Higgins,

Creeping Red Fescue Application No.8400039 'Jupiter'

Thank you for your letter concerning the above application. I apologise for any inconvenience caused to your office due to our shortcomings. I hope that we are beginning to understand your system more fully. I enclose a new Exhibit A, which I hope is satisfactory.

In Exhibit B, the novelty statement, we stated that Jupiter was 7-8 days later in head emergence than Dawson, the most similar variety. I give below the dates of head emergence we have seen for these two varieties since 1975 -

	1975	1976	1977	1978	1979	1980	1981	1982	1983
Jupiter	May 11	May 15	May 10	May 12	May 19	May 17	May 19	May 16	May 20
Dawson	May 3	May 6	May 5	May 6	May 13	May 9	May 9	May 5	May 10

Regarding disease rating, I have nothing further to give you since the report from the Sports Turf Research Institute, at Bingley, which I have already sent to you.

I hope that the enclosed information helps the processing of our application.

Yours sincerely,

Michael A. Johnson

MAJ/MP

W W JOHNSON & SON LIMITED
Seed Growers & Merchants
Boston Lincolnshire PE21 8AD
Telephone 0205 85051 Telex 37537
29 June 1984

Johnson

Mr. J. J. Higgins
Examiner
U.S. Department of Agriculture
Agricultural Marketing Service
Livestock, Meat, Grain and Seed Division
Plant Variety Protection Office
National Agricultural Library Building
Beltsville
Maryland 20705
U.S.A.

Dear Mr. Higgins

Greening Red Rescue Application No. 8400039 (Unofficial)

Thank you for your letter concerning the above application. I apologise for any inconvenience caused to your office due to our shortcomings. I hope that we are beginning to understand your system more fully. I enclose a new Exhibit A, which I hope is satisfactory.

In Exhibit B, the novelty statement, we stated that Jupiter was 7-8 days later in head emergence than Dawson, the most similar variety. I give below the dates of head emergence we have seen for these two varieties since 1975 -

	1975	1976	1977	1978	1979	1980	1981	1982	1983
Jupiter	May 11	May 15	May 10	May 12	May 19	May 17	May 19	May 10	May 20
Dawson	May 3	May 6	May 5	May 6	May 13	May 9	May 9	May 5	May 10

Regarding disease rating, I have nothing further to give you since the report from the Sports Turf Research Institute, at Bingley, which I have already sent to you. I hope that the enclosed information helps the processing of our application.

Yours sincerely,

Michael A. Johnson
Michael A. Johnson

MAJ/MP

JUL 6 1984

Assessment of colour on a 0 - 9 scale - 9 being the best and 0 being the worst

		Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Variety Mean
1	Dawson	6.3				5.7	7.0	7.0	4.3		5.7	4.7	4.3	5.6
9	Merlin	5.7				5.7	5.7	5.7	4.0		5.7	5.3	5.0	5.4
8	Pennlawn	3.0				4.7	4.0	4.7	4.7		3.7	3.3	2.3	3.8
0	Jupiter	8.0				6.3	6.7	7.7	7.3		6.7	7.3	7.0	7.1
1	Dawson	4.3		5.3	5.3	6.7	6.3		5.3		6.0		6.0	5.7
9	Merlin	5.0		5.0	5.3	4.7	5.3		5.7		4.7		5.3	5.1
8	Pennlawn	2.3		4.0	6.0	5.3	6.3		4.3		3.7		2.7	4.3
1	Jupiter	7.0		6.7	5.3	7.7	7.0		7.0		8.0		8.0	7.1
1	Dawson	4.7	4.3			5.7			5.3			6.0		5.2
9	Merlin	5.3	4.7			5.0			4.7			4.7		4.9
8	Pennlawn	3.0	3.3			5.0			3.7			3.7		3.7
2	Jupiter	7.3	7.0			7.3			6.0			7.7		7.1
1	Dawson	5.3			4.7									5.0
9	Merlin	5.0			5.0									5.0
8	Pennlawn	2.3			4.3									3.3
3	Jupiter	7.0			5.3									6.1
	Monthly Mean	5.1	4.8	5.3	5.2	5.8	6.0	6.3	5.2		5.5	5.3	5.1	

Trial Sown and Established 1979

No Assessment was made during blank months

8400039

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
LIVESTOCK, MEAT, GRAIN & SEED DIVISION
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MARYLAND 20705

EXHIBIT C
(Fine Leaved Fescues)

OBJECTIVE DESCRIPTION OF VARIETY
FINE LEAVED FESCUES
(*Festuca spp.*)

NAME OF APPLICANT(S) W.W. Johnson and Son Limited	TEMPORARY DESIGNATION J.87	VARIETY NAME Jupiter
ADDRESS (Street and No., or R.F.D. No., City, State, and Zip Code) London Road, Boston, Lincolnshire, England		FOR OFFICIAL USE ONLY PVPO NUMBER 8400039

Place the appropriate number that describes the varietal character of this variety in the boxes below. Use leading zeroes when necessary (e.g., or). Characteristics described including numerical measurements, should represent those that are typical for the variety. Measured data should be for SPACED PLANTS. Royal Horticultural Society or any recognized color fan may be used to determine plant colors; designate system used: _____

Describe location of test area, conditions and number of plants used: _____

1. SPECIES: (With comparison varieties for use below - use varieties within species of application variety)

<input type="text" value="2"/>	1 = <i>F. rubra ssp. commutata</i> (Chewings)	11 = Cascade	12 = Highlight	13 = Jamestown
	2 = <i>F. rubra ssp. litoralis</i> (Creeping Red)	14 = Banner	15 = Barfalla	23 = Merlin
	3 = <i>F. rubra ssp. rubra</i> (Spreading Red)	21 = Dawson	22 = Starlight	33 = Fortress
	4 = <i>F. ovina</i> (Sheep)	24 = Pennlawn	32 = Ruby	
	5 = <i>F. longifolia</i> (Hard)	31 = Boreal	34 = Ensylva	
	6 = <i>F. tenuifolia</i> (Fine-Leaved Sheep)	41 = Covar		
	7 = Other (Specify) <i>F.</i> _____	51 = Durar	52 = Biljart (C-26)	53 = Scaldis
		61 = Panda	62 = Barok	

2. CYTOLOGY:

<input type="text" value="4"/> <input type="text" value="2"/>	Chromosome Number	<input type="text" value="3"/>	Ploidy	1 = diploid	2 = tetraploid	3 = hexaploid
				4 = octoploid		

3. ADAPTATION: (0 = Not Tested; 1 = Not Adapted; 2 = Adapted)

<input type="text" value="0"/>	Northeast	<input type="text" value="0"/>	Southeast	<input type="text" value="0"/>	North Central	<input type="text" value="0"/>	Pacific N.W.	<input type="text" value="2"/>	Other (Specify) <u>U.K.</u>
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4. MATURITY: Date First Headed (panicle emergence) Location(s) of Trial(s) U.K.

<input type="text" value="4"/>	Maturity Class:		
	1 = Very Early (Covar)	2 = Early (Highlight)	3 = Medium Early (Boreal, Dawson)
	4 = Medium Late (Cascade, Ruby)	5 = Late (Jamestown, Agram)	6 = Very Late
	Date Headed <u>15 May</u>		
<input type="text" value="0"/> <input type="text" value="0"/>	Days earlier than	<input type="text" value="0"/> <input type="text" value="0"/>	Comparison Variety
	Maturity same as	<input type="text" value="0"/> <input type="text" value="0"/>	
<input type="text" value="0"/> <input type="text" value="8"/>	Days later than	<input type="text" value="2"/> <input type="text" value="1"/>	

5. PLANT HEIGHT: (At maturity; to top of panicle; Average of 10 tallest culms)

<input type="text" value="6"/> <input type="text" value="5"/> <input type="text" value="0"/>	mm height		
<input type="text" value="0"/> <input type="text" value="0"/> <input type="text" value="0"/>	mm shorter than	<input type="text" value="0"/> <input type="text" value="0"/>	Comparison Variety
	Height same as	<input type="text" value="0"/> <input type="text" value="0"/>	
<input type="text" value="0"/> <input type="text" value="5"/> <input type="text" value="0"/>	mm taller than	<input type="text" value="2"/> <input type="text" value="1"/>	

6. GROWTH HABIT: (Mature)

<input type="text" value="2"/>	1 = Erect (Ruby)	2 = Semi-erect (Highlight)	3 = Prostrate (Silvana)
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7. RHIZOMES:

<input type="text" value="0"/> <input type="text" value="5"/> <input type="text" value="0"/>	mm Length	<input type="text" value="0"/> <input type="text" value="5"/>	mm Width	<input type="text" value="1"/> <input type="text" value="5"/>	mm Internode length
<input type="text" value="2"/>	1 = Absent (Highlight)	2 = Weakly Creeping (Dawson)	3 = Strongly Creeping (Boreal)		
	4 = Very Strongly Creeping (Fortress)				

15. GIVE VARIETY OR VARIETIES THAT MOST CLOSELY RESEMBLE THE APPLICATION VARIETY. For the following characteristics indicate Degree of Resemblance by placing the column marked, D.R., one of the following numbers:

1 = Application variety is less than comparison variety. 2 = Same As
3 = More than, better, greater, darker, more disease resistant, etc.

CHARACTER	VARIETY	D.R.	CHARACTER	VARIETY	D.R.
Rhizome Length	Dawson	1	Growth Habit	Dawson	2
Leaf Width	Dawson	2	Leaf Color	Dawson	2
Panicle Color	Dawson	1	Panicle Shape	Dawson	2
Winter Color	Dawson	3	Cold Injury	Dawson	3
Shade Tolerance	Dawson	2	Heat	Dawson	3
Drought	Dawson	3	Disease*	Dawson	3 Red Thread

* Specify each disease evaluated.

16. ADDITIONAL DESCRIPTION: (Use additional sheets as required)

Describe all characteristics that cannot be adequately described in the form above in Exhibit D. Comparative varieties should be used as may be appropriate, such as for disease. Append all comparative trial and evaluation data, including measured characters, environmental, and disease tests.

Under replicated mown plot conditions Jupiter was markedly superior in colour to all leading Creeping Red Fescues for most months of the year, particularly in winter and early spring. Preliminary results from trials indicate that Jupiter was less susceptible to red thread than other varieties.